

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MICHIGAN**

In the Matter of:

John R. Knick, III
SS# xxx-xx-4615

Debtor./

Case No. : 11-00417 JRH
Chapter 13
Hon. Jeffrey R. Hughes

ORDER DISMISSING CHAPTER 13 CASE

At a session of said Court of Bankruptcy, held in and for said district.

PRESENT: HONORABLE JEFFREY R. HUGHES
United States Bankruptcy Judge

On January 18, 2011, the above-captioned debtor filed a chapter 13 proceeding. At the time the petition was filed, the debtor failed to file schedules, statement of affairs and a chapter 13 plan. On January 21, 2011, the debtor and debtor's attorney was sent a Notice of Filing(s) Due.

Schedules and a Statement of Affairs are to be filed with the Petition, or within fourteen (14) days thereafter. FED. R. BANKR. PRO. 1007(c). A chapter 13 plan is to be filed with the Petition or within fourteen (14) days thereafter. FED. R. BANKR. PRO. 3015(b). The court may extend the time for filing the Schedules, Statement of Affairs, and/or Chapter 13 Plan, in its discretion, for cause shown. FED. R. BANKR. PRO. 9006(b). Local Bankruptcy Rule 3015(b) provides a case may be automatically dismissed if the Schedules, Statement of Affairs, and/or Chapter 13 Plan are not timely filed.

The Court finds that the debtor has not timely filed the requisite Schedules, Statement of Affairs and Chapter 13 Plan and cause to dismiss this case therefore exists.

NOW, THEREFORE, IT IS HEREBY ORDERED that the above-captioned case be, and hereby is, DISMISSED, on the court's own initiative.

IT IS FURTHER ORDERED that if the debtor objects to this dismissal, the debtor may file a motion to set aside this order pursuant to FED. R. BANKR. PRO. 9023 or 9024 no later than fourteen (14) days after entry of this order. The grounds for any such motion shall be stated with particularity. If a timely and proper motion is filed, the court may schedule a hearing as soon as is practicable, but reserves the ability to grant or deny the motion without a hearing.

IT IS FURTHER ORDERED that a copy of this order shall be served either electronically or by first class United States mail, postage prepaid, upon the debtor, the attorney for the debtor, the United States Trustee, the Chapter 13 trustee and all creditors and parties of interest at their respective post office addresses appearing of record herein.

End of Order

Signed: February 07, 2011




Hon. Jeffrey R. Hughes
United States Bankruptcy Judge